



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,325	04/22/2004	Shih-Feng Yeh	MR2561-156	6805
4586	7590	09/22/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			AKANBI, ISIAKA O	
			ART UNIT	PAPER NUMBER
			2877	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/829,325		YEH ET AL.	
	Examiner		Art Unit	
	Isiaka O. Akanbi		2877	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 5,7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement file 04 March 2004 has been entered and reference considered by the examiner.

Drawings

The examiner approves the drawings filed 04 March 2004.

Claim Objections

1. Claim 1 is objected to because of the following informalities: Multiple periods in each of the claim 1 sub-claim is inappropriate. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 4 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to how "polystyrene" perform the function "to increase intensity of polarized light" of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2877

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki et al. (5,822,063). The reference of Suzuki discloses the features of the claimed as follows:

As regard to claim 1, Suzuki discloses a method comprising of the following:

- selecting an optical/light source(102/108)(col. 4, line 7-9);
- checking if an optical source for projection in the testing is chosen by way of separating light with required wavelength and if selected, the light having the required wavelength is taken out from the spectroscopy (120)(col. 4, 50-58);
- fixing the polarizing plate (150) to polarized light beam from the selected light source (102/108) and projecting the polarized light beam to polarizing plate (156)(see fig. 3)
- adjusting position of the polarizing plate(150) to form an image on the polarizing plate (156) and rotating/adjusting the polarizing plate (156) to see if there is any contrast variation in the image, this would be an inherent function of the system with an appropriate image mechanism(128m)(col. 4, line 48-59).

As to claim 2, according to claim 1, Suzuki discloses wherein the polarizing step consist of a polarizer (150), which renders the light beam linearly polarized as it passes the same (fig. 3)(col. 5, line 18-20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 3, 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (5,822,063) in view of Yamamoto et al. (6,613,433 B2)

Claims 3, 6, are rejected under 35 U.S.C. 103(a) as being unpatentable over of Suzuki (5,822,063) as applied to claims 2. The reference of Suzuki teaches of the features of claim 2, comprising selected light beam passing through a filter (144) and then through a polarizer (150), and selected light beam reflecting by a mirror (158) after passing the filter (fig. 1), however the reference of Suzuki is silent regarding light beam passing through the polarizer passing through a concave. The examiner wishes to take Official Notice of the fact that the use of mirror to focus incident light beam onto a concave lens would have been well known. It would have been obvious to one having ordinary skill in the art at the time of invention to focus light beam onto a mirror for the purpose of reflecting the beam to a concave lens, since these are well known mirror used for their known advantages such as having good reflective index and to use concave lens to collect and focus the beam parallel onto the detector/screen.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (5,822,063) in view of Yamamoto et al. (6,613,433) as applied to claim 3 above, Suzuki is silent regarding the light beam passing through a polystyrene plate before the light beam passes through the filter. The reference of Yamamoto teaches of plastic material polystyrene (col. 3, line 42-54)(col. 4, line 26-39). It would have been obvious to one having ordinary skill in the art at the time of invention to use polystyrene plate for the purpose of protecting polarizer plate and the filter, since these are well known polystyrene used advantages.

Allowable Subject Matter

Claims 5, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 5 and 7, the prior art of record, taken alone or in combination, fails to disclose or render obvious *light beam projected to a screen after the light beam passes the concave lens*.

As to claim 8, the prior art of record, taken alone or in combination, fails to disclose or render obvious *optical source includes red, blue and green lights*.

Conclusion

Official Notice

Several facts have been relied upon from the personal knowledge of the examiner about which the examiner took Official Notice. Applicant must seasonably challenge well known statements and statements based on personal knowledge. In re Selmi, 156 F.2d 96, 70 USPQ 197 (CCPA 1946); In re Fischer, 125 F.2d 725, 52 USPQ 473 (CCPA 1942). See also In re Boon, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice). If applicant does not seasonably traverse the well-known statement during examination, then the object of the well-known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d 71, 60 USPQ 239 (CCPA 1943). A seasonable challenge constitutes a demand for evidence made as soon as practicable during prosecution. Thus, applicant is charged with rebutting the well-known statement in the next reply after the Office action in which the well-known statement was made. See MPEP 2144.03, paragraphs 4 and 6.

Fax/Telephone Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isiaka Akanbi whose telephone number is (571) 272-8658. The examiner can normally be reached on 8:00 a.m. - 4:30 p.m.

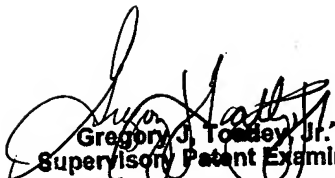
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory J. Toatley Jr. can be reached on (571) 272-2800 ext. 77. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2877

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Isiaka Akanbi

September 13, 2005


Gregory J. Todd, Jr.
Supervisory Patent Examiner
15 Sept. 05